

IN RE: PETITION FOR SPECIAL HEARING • BEFORE THE  
S/S Yorkway, 6/8 ft. NW • ZONING COMMISSIONER  
of Leeway Drive • OF BALTIMORE COUNTY  
2512 Yorkway •  
12th Election District •  
7th Councilmanic District • CASE # 92-165-SPH  
Edward S. Wasilewski, Sr.  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval of a pre-existing nonconforming use for 4 apartments in view of the required single family residence in a D.R.10.5 zone, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners/property owners, Edward S. and Regina M. Wasilewski, appeared and testified. Appearing in support of the Petition was Anthony Wasilewski, the Petitioners' son and real estate agent and Adeline J. Hill, a neighbor. There were no Protestants present.

Mr. and Mrs. Wasilewski testified that they own the subject property, on which is located a 4 apartment dwelling, having purchased same in 1947. They indicated that the dwelling is 50 ft wide and shares common walls with adjacent properties. As shown on Petitioners' Exhibit No. 2, the subject dwelling was constructed in the 1943 and marketed toward those Veterans returning from World War II.

Mr. and Mrs. Wasilewski testified that their unit contains 4 apartments, designated as A thru D on the site plan. The Petitioners occupy apartment D, which is comprised of portions of the basement and first floor and have lived there since the date of their purchase. They described the other 3 apartments which comprise the balance of the dwelling and a common

area in the basement. It was their testimony that they have had tenants in the apartments since 1947 on a continuous basis. Further, there has been no physical change to the interior or exterior of the building since the date of their occupancy. Lastly, they indicated that their average tenant has leased the property for a period of 15 years and that their property is similar with others within the community.

It is specifically to be noted that Zoning Commissioner Haines approved nonconforming use for numerous properties in this community in 1988. The Petitioners stated that they did not apply for a nonconforming use approval at that time in that they were residents of the dwelling. However, now that they have determined to sell the property, they have come forward on the subject Petition for Special Hearing.

Mr. and Mrs. Wasilewski's testimony was corroborated by their neighbor, Adeline J. Hill. She lives across the alley at 2517 Liberty Parkway. Further, there were affidavits and statements submitted from other neighbors who corroborate the Petitioners' testimony. This evidence demonstrates that the subject property was built as a 4 apartment unit in 1943 and has been used as such continuously since that time.

Section 104.1 of the B.C.Z.R. provides the standard upon which a Petition for Special Hearing to approve a nonconforming use must be judged. That section provides:

104.1 A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. (B.C.Z.R. 1955: Bill No., 18, 1976: Bill No. 124, 1991.)"

Based upon the evidence and testimony presented, all of which is uncontradicted, it is clear that the subject property has enjoyed its present use continually and uninterruptedly since prior to January 2, 1945, the date that the first zoning regulations were adopted in Baltimore County. Further, the character of the existing use has been unchanged since this dwelling was constructed. That is, there has been no expansion or intensification of the use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14<sup>th</sup> day of December, 1991 that, pursuant to the Petition for Special Hearing, request for approval of a pre-existing nonconforming use for 4 apartments in view of the required single family residence in a D.R.10.5 zone, as more particularly described on Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein.

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

November 14, 1991

Mr. and Mrs. Edward S. Wasilewski, Sr.  
2512 Yorkway  
Baltimore, Maryland 21222

RE: Petition for Special Hearing  
Case No. 92-165-SPH

Dear Mr. and Mrs. Wasilewski:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

JRH:mmm  
att.  
cc: Peoples Counsel

ORDER RECEIVED FOR FILING  
Date 11/14/91  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 11/14/91  
By [Signature]

-2-

-3-

## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve A pre-existing nonconforming use for 4 apartments in view of the required single family residence in a D.R.10.5 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Assignor:  
(Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney for Petitioner:  
(Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_

Legal Owner(s):  
EDWARD S. WASILEWSKI SR.  
Signature \_\_\_\_\_  
(Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
(Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_

2512 Yorkway B 285-0708  
Address Phone No.  
Baltimore, Maryland 21222  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Mr. Edward S. Wasilewski Sr.  
Name  
2512 Yorkway B 285-0708  
Address Phone No.

ORDER RECEIVED FOR FILING

Date \_\_\_\_\_  
By \_\_\_\_\_



OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING (1/2HR.) + 1HR.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHERS  
REVIEWED BY: [Signature] DATE: 10/19/91

and assign unto the said Mortgagee, its successors and assigns, all the lot of ground being, lying and situate in the County of Baltimore, in the State of Maryland, and described as follows, viz:  
BEGINNING FOR THE SAME at a point on the southwesterly line of Yorkway as now laid out forty feet wide distant six hundred twenty-eight and thirty-one one-hundredths feet northwesterly measured sixty feet wide all as shown on "Plat No. 4 Dundalk" and running thence south thirty degrees thirty-four minutes four seconds west one hundred eight and eighty-seven one-hundredths feet part of which distance is intended to be along the center line of a party wall there situate to intersect the northeasterly line of a fourteen foot alley north fifty-six degrees ten minutes twenty-four seconds east on the northeasterly line of said alley north fifty-six degrees ten minutes twenty-four seconds west east one hundred six and thirty-seven one-hundredths feet part of which distance is intended to be along the center line of a party wall there situate to intersect the said southwesterly line of Yorkway thence southeasterly binding on the said southwesterly line of Yorkway on a curve to the right with a radius of four thousand eighty feet for a distance of forty-nine feet to the place of beginning. The Improvements thereon being known as No. 2512 Yorkway, Baltimore County in Liber CLB No. 2993 Folio 367 was granted and conveyed by Elliott & Clinton, Inc. unto the Mortgagee herein.

92-165-SPH

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 12th Date of Posting: 10/28/91  
Posted for: Special Hearing  
Petitioner: Edward S. Wasilewski  
Location of property: 2512 Yorkway, 628' NW Yorkway Dr.  
Location of Sign: 2512 Yorkway, 628' NW Yorkway Dr.  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 11/1/91  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/24, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/24, 1991

THE JEFFERSONIAN,

S. Zeke Orlov  
Publisher

\$35.18

## CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle

4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222

October 24, 1991


THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - P.O. #0115337 - Reg. #M49773 - 60 lines @ \$30.00 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 25th day of October 1991; that is to say, the same was inserted in the issues of October 24, 1991.

Kimbel Publication, Inc.  
per Publisher.

By Kimbel Belke

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353  
NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 112, Baltimore County Zoning Office, 400 Washington Avenue, Towson, Maryland 21204 on Friday, Case Number: 92-165-SPH 888 Yorkway, 628' NW of Leeway Drive  
2512 Yorkway  
12th Election District  
7th Councilmanic District  
November 12, 1991 at 10 a.m.  
Special Hearing to review a pre-existing nonconforming use for 4 apartments in view of the required single family residence.  
Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County



	
Baltimore County Zoning Commissioner County Office Building 114 Broad Chesapeake Avenue Towson, Maryland 21204	
Date _____	Account: R-001-6150 Number _____
Receipt No. _____ Date Recd. _____ By _____ For _____ Amount \$ _____ Check # _____ Cash _____ Total \$ _____	

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

8847-3353

NOVEMBER 22, 1991


**COPY**

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-165-SPH  
5/5 Yorkway, 628' W of Leeway Drive  
2512 Yorkway  
12th Election District - 7th Councilmanic  
District(s): Edward S. Wasilewski  
HEARING: WEDNESDAY, NOVEMBER 13, 1991 at 10 a.m.

Special Hearing to approve a pre-existing non-conforming use for 4 apartments in view of the required single family residence.

  
Lawrence E. Schmidt  
Zoning Commissioner of  
Baltimore County

cc: Edward Wasilewski, Sr., et ux

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

November 4, 1991

Mr. & Mrs. Edward S. Wasilewski, Sr.  
2512 Yorkway B  
Baltimore, MD 21222

RE: Item No. 170, Case No. 92-165-SPH  
Petitioner: Edward S. Wasilewski, et ux  
Petition for Special Hearing

Dear Mr. & Mrs. Wasilewski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

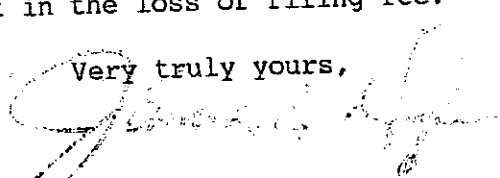
The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: November 4, 1991  
Page 2


2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,  
  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

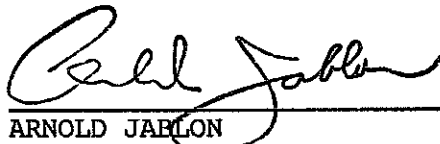
Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



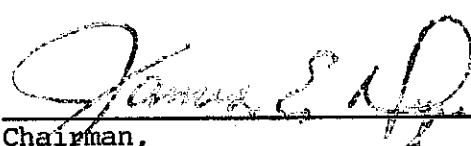
111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
7th day of October, 1991.

  
ARNOLD JACON  
DIRECTOR

Received By:

  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Edward S. Wasilewski, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning


SUBJECT: Parkwood Cemetery, Item No. 184  
Flamm Property, Item No. 167  
Guericio Property, Item No. 168  
Ferenc Property, Item No. 169  
Wasilewski Property, Item No. 170 ✓  
Mahaffey Property, Item No. 173  
Miller & Hatfield Property, Item No. 179  
Van Property, Item No. 186  
Charvat Property, Item No. 187  
Reynolds Property, Item No. 188  
Freund Property, Item No. 189

In reference to the petitioners' requests, the staff offers  
no comments.

If there should be any further questions or if this office can  
provide additional information, please contact Jeffrey Long in the  
Office of Planning at 887-3211.

PK/JL/rdn  
ITEM184/XTTROZ

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

OCTOBER 24, 1993

Finnold Nelson  
Director  
Firing Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owners: HUNTER S. WATSON, SR.,  
Location: #2512 SOMERAY  
Item No.: 370 Zoning District: OCTOBER 24, 1993

Certification:

Turnout to your request, the referenced property has been surveyed by  
this Bureau and the contents below are applicable and required to be  
connected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site  
shall comply with all applicable requirements of the National Fire  
Protection Association Standard No. 101 "Fire Safety Code", 1988  
edition, to be completed.

ENGINEER: *[Signature]* Approved: *[Signature]*  
Special Inspector: *[Signature]*

10/27/93



92-165-SPH

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: October 29, 1991  
FROM: Robert W. Bowling, P.E.  
SUBJECT: Zoning Advisory Committee Meeting  
for October 22, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 124, 167, 168, 169, 170, 173, 176, 178, 179, 180, 184, 186, 187, 188 and 189.

In addition, we have no comments at this time for Item #438 (Case No. 91-486).

For Item 166, we will have no comments until the County Review Group Meeting.

For Item 171, see our County Review Group comments dated October 10, 1991.

For Items 174 and 175, minor subdivision review comments were prepared for this site, dated October 9, 1990.

Item 181 represents a minor subdivision, which should be processed through the minor subdivision procedure.

For Item 182, no comments are necessary on density transfer.

ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

DWB:s

92-165-SPH

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: November 6, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management  
FROM: Rahee J. Famili  
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 22, 1991  
ITEM NUMBER: 170

Adequate off-street parking should be provided.

Rahee J. Famili  
Traffic Engineer II

RJF/lvd

92-165-SPH

LIBER 2993 PAGE 367

This Deed, Made this 16th day of May, 1991

in the year one thousand nine hundred and ninety-one, by and between Elliott & Clinton, Inc., a body corporate, duly incorporated under the laws of the State of Maryland,

and Edward J. Wasilewski and Regina Maria Wasilewski, his wife,

of the second part.

Witnesseth, that in consideration of the sum of five dollars and other good and valuable consideration, receipt whereof is hereby acknowledged,

the said Elliott & Clinton, Inc.,

do hereby grant and convey unto the said Edward J. Wasilewski and Regina Maria Wasilewski, his wife, the land

and design of the survey

hereinafter, in fee simple, all of ground, situate, lying and being in Baltimore County, State of Maryland, as aforesaid, and described as follows, that is to say:-

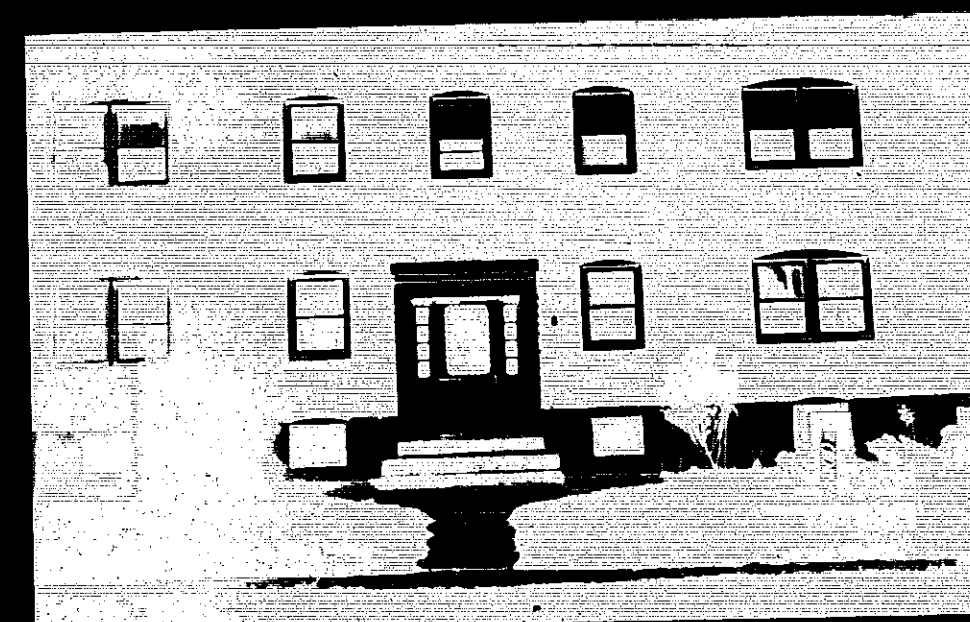
Beginning for the same at a point on the southeasterly line of Yorkway as an L&D plat book 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 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Due North  
Yorkway  
Odd Side

